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9	2 womano (025) 0 10 <b>2</b> 001	
10	BEFORE THE PHYSICAL THERAPY BOARD OF CALIFORNIA	
11	DEPARTMENT OF CON STATE OF CAL	SUMER AFFAIRS
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13	In the Matter of the Accusation Against:	Case No. ID 2003 63416
14	LYNNE JONES EDDY 4391 Huggins Street	ACCUSATION
15	San Diego, CA 92122	
16	Physical Therapist License No. PT 14164	
17	Respondent.	
18		•
19	Complainant alleges:	
20	<u>PARTIES</u>	
21	1. Steven K. Hartzell (Complainant) brings this Accusation solely in his	
22	official capacity as the Executive Officer of the Physical Therapy Board of California,	
23	Department of Consumer Affairs.	
24	2. On or about March 18, 1987, the Physical Therapy Board of California	
25	issued Physical Therapist License No. PT 14164 to LYNNE JONES EDDY (Respondent). The	
26	Physical Therapist License was in full force and effect at all times relevant to the charges brought	
27	herein and will expire on July 31, 2004, unless renev	ved.
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L	<u>JURISDICTION</u>
2	3. This Accusation is brought before the Physical Therapy Board of
3	California (Board), Department of Consumer Affairs, under the authority of the following laws
1	All section references are to the Business and Professions Code unless otherwise indicated.
5	4. Section 2609 of the Code states:
5	The board shall issue, suspend, and revoke licenses and approvals to

practice physical therapy as provided in this chapter.

#### 5. Section 2660 of the Code states:

The board may, after the conduct of appropriate proceedings under the Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose probationary conditions upon, or issue subject to terms and conditions, any license, certificate, or approval issued under this chapter for any of the following causes:

- Conviction of a crime which substantially relates to the qualifications, functions, or duties of a physical therapist. The record of conviction or a certified copy thereof shall be conclusive evidence of that conviction.
- Conviction of a violation of any of the provisions of this chapter or of the State Medical Practice Act, or violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter or of the State Medical Practice Act.

## Section 490 of the Code states: 6.

A board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

## 7. California Code of Regulations, title 16, section 1399.20, states:

For the purposes of denial, suspension or revocation of a license or approval, pursuant to Division 1.5 (commencing with Section 475) of the Code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license or approval under the Physical Therapy Practice Act if to a substantial degree it evidences present or potential unfitness of a person to perform the functions authorized by the license or approval in a manner consistent with the public health, safety or welfare. Such crimes or acts shall include but not be limited to the following:

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1	(a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring
2	to violate any provision or term of the Physical Therapy Practice Act.
3	(c) Violating or attempting to violate any provision or term of the Medical Practice Act.
5	
	<u>COST RECOVERY</u>
6	8. Section 2661.5 of the Code states:
7	(a) In any order issued in resolution of a disciplinary proceeding before
8	the board, the board may request the administrative law judge to direct any
9	licensee found guilty of unprofessional conduct to pay to the board a sum not to exceed the actual and reasonable costs of the investigation and prosecution of the case.
10	CAUSE FOR DISCIPLINE
11	
12	(Conviction of a Crime)
13	9. Respondent is subject to disciplinary action under Code sections 490,
14	2660(d), 2660(i), in that she was convicted of crimes substantially related to the qualifications
15	functions, or duties of a physical therapist. The circumstances are as follows:
16	Arrest of April 14, 2003; Conviction September 15, 2003
17	A. On or about April 14, 2003, respondent was pulled over by
	an ATF Officer when he observed sparks coming from her vehicle and noticed
18	damage on the left side of respondent's vehicle. San Diego Police Officer D.B.
19	arrived and observed respondent's speech was slurred and smelled the odor of an
20	alcoholic beverage coming from respondent. Respondent had a bottle of wine
21	between the front seats of her vehicle. Respondent told Officer D.B. she hit a
<ul><li>22</li><li>23</li></ul>	guardrail on a freeway entrance ramp with her vehicle. The officer had
24	respondent perform field sobriety tests which she failed. In addition, Respondent
25	stated she just completed a six-month program and was still on probation.
26	Respondent was subsequently arrested. Respondent had a blood alcohol level of
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B. On or about May 30, 2003, a criminal complaint was filed in Superior Court of California, County of San Diego, entitled *The People of the State of California v. Lynne Jones Eddy*, Case No. M-896844, charging respondent with Count 1 - violating Vehicle Code section 23152(a) [driving under the influence of alcohol] with a separate conviction on September 3, 2002 for violating Vehicle Code section 23152(b), Case No. M868629, and Count 2 - violating Vehicle Code section 23152(b) [driving under the influence of alcohol with a blood alcohol content of 0.08 or more] with a separate conviction on September 3, 2002, for violating Vehicle Code section 23152(b).

C. On or about September 15, 2003, respondent pled no contest and was convicted of violating Count 1. She was granted summary probation for the period of five years with terms and conditions.

# Arrest of August 20, 2002; Conviction September 3, 2002

- D. On or about August 20, 2002, respondent was involved in a traffic accident. San Diego Police Officer K.L. observed respondent sitting on a cement wall, and when he asked respondent to stand up, respondent nearly fell over. Officer K.L. smelled the odor of an alcoholic beverage coming from respondent and her speech was slurred and thick. Respondent had a very difficult time standing. Officer K.L. attempted to have respondent perform field sobriety tests but due to Respondent's intoxication she was unable to stand up without holding onto to something. Officer K.L. did not have Respondent perform the field sobriety tests in fear that she may injure herself. Respondent was subsequently arrested.
- E. On or about July 11, 2002, a criminal complaint was filed in Superior Court of California, County of San Diego, entitled *The People of the State of California v. Lynne Jones Eddy*, Case No. M-868629, charging respondent with violating Count 1 violating Vehicle Code section 23152(a) [driving under the influence of alcohol] and Count 2 violating Vehicle Code

1	section 23152(b) [driving under the influence of alcohol with a blood alcohol	
2	content of 0.08 or more].	
3	F. On or about September 3, 2003, respondent pled no contest	
4	and was convicted of Count 2. She was granted summary probation for the period	
5	of five years with terms and conditions.	
6	<u>PRAYER</u>	
7	WHEREFORE, Complainant requests that a hearing be held on the matters herein	
8	alleged, and that following the hearing, the Physical Therapy Board of California issue a	
9	decision:	
10	1. Revoking or suspending Physical Therapist License No. PT 14164, issued	
11	to LYNNE JONES EDDY;	
12	2. Ordering LYNNE JONES EDDY to pay the Physical Therapy Board of	
13	California the reasonable costs of the investigation and enforcement of this case, pursuant to	
14	Business and Professions Code section 2661.5;	
15	3. Taking such other and further action as deemed necessary and proper.	
16		
17	DATED: <u>05/26/2004</u> .	
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19	Original Signed By:	
20	STEVEN K. HARTZELL Executive Officer	
21	Physical Therapy Board of California Department of Consumer Affairs	
22	State of California	
23	Complainant	
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